

ORDINANCE G-2016-06

INTRODUCING: Mosby
COMMITTEE: A.S.D.

**AN ORDINANCE AMENDING
CHAPTER 2.195 OF THE CODE OF ORDINANCES**

WHEREAS, on December 15, 2014, the Common Council of Evansville enacted Ordinance G-2014-30 Amended, entitled "An Ordinance Restricting Eligibility of Non-Residents of Evansville Indiana from Serving on Governing or Advisory Boards" (the "Ordinance"); and

WHEREAS, in relevant parts, the Ordinance created Chapter 2.195 of the Evansville Municipal Code ("Code") and provided that effective January 1, 2015, "all persons serving on any boards, committees, commissions . . . or any other governing advisory bodies shall be residents of the City of Evansville, Indiana, whether appointed by the Common Council or the Mayor unless expressly prohibited by state statute"; and

WHEREAS, the Vanderburgh Superior Court issued an en banc Order on June 5, 2015 determining the Ordinance exceeds the authority of the Common Council and is invalid and void ad initio; and

WHEREAS, the Common Council of Evansville voted on June 22, 2015 to authorize an appeal of the Vanderburgh Superior Court's Order; and

WHEREAS, the Common Council of Evansville and City of Evansville filed an Agreed Motion to Dismiss, and on January 29, 2016, the Indiana Court of Appeals issued an Order granting such motion and dismissing the appeal with prejudice; and

WHEREAS, although the Ordinance is not valid and not permitted, it is still in the Code at Chapter 2.195; and

WHEREAS, the Common Council finds it necessary to amend the Code by deleting Chapter 2.195 of the Code to conform with the Court's Order.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Evansville as follows:

Section 1. Amendment of Chapter 2.195 of the Code. Chapter 2.195 of the Evansville Municipal Code is amended by deleting said subsection in its entirety.


Section 2. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Common Council.

FILED

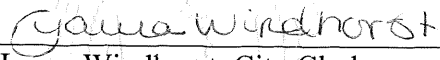
FEB 02 2016

Anna Windner
CITY CLERK

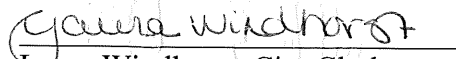
PASSED BY the Common Council of the City of Evansville, Indiana, on the 22 day of February, 2016, and on said day signed by the President of the Common Council and attested by the City Clerk.


Missy Mosby
President of the Common Council

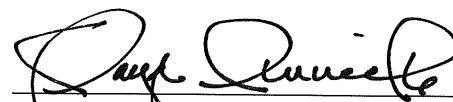
ATTEST:


Laura Windhorst, City Clerk
City of Evansville, Indiana

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, and to the Mayor of said City, the 24 day of February, 2016, at 11 o'clock A.m. for his consideration and action thereon.


Laura Windhorst, City Clerk
City of Evansville, Indiana

Having examined the foregoing ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said ordinance and return the same to the City Clerk this 25th day of FEBRUARY, 2016, at 10:00 o'clock A.m.


Lloyd Winbecke, Mayor
City of Evansville, Indiana